

Applicant: Henze et al.
Application No.: 10/654,237

The Action indicates that Invention Groups I and II are related as a "process of making" and a "product made". As a prerequisite for proper restriction, distinctness must be shown by showing that (1) the process can be used to make different products or (2) the product can be made by a materially different process. See MPEP §806.05(f). Applicant respectfully submits that the Examiner has not shown that either of these prerequisites has been satisfied. The Examiner asserts that:

[T]he product as claimed can be made by another materially different process, such as merely sheathing bundled optical fibers *without* first forming a preform and heating and drawing out the fiber bundle preform, as required by claims of Group I.

Applicant respectfully submits that the leached fiber bundle can not be made in the manner asserted by the Examiner. The process proposed by the Examiner assumes that either the fiber optic fibers can be produced in another manner besides drawing, or that the sheathing can withstand the drawing process. However, there is no teaching in the known prior art to support either of these assumptions. Applicant respectfully requests that the Examiner provide a reference to support his claim that a leached fiber bundle could be produced in the manner which he asserts.

In addition to distinctness between invention groups, a restriction requirement is only proper if a serious burden on the Examiner exists in examining

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the application. Applicant respectfully submits that no serious burden exists in examining all of the claims in the application. The inventions of claim group I and group II, as separated by the Examiner, are so inter-related as to require the same field of search. Consequently, no serious burden exists. As such, examination of all of the pending claims together would be more efficient than separating the claims for examination in different applications.

In view of the foregoing, Applicants respectfully request withdrawal of the restriction requirement and examination of all of the pending claims. If for any reason the Examiner believes that an interview, either telephonically or in person, would advance prosecution of the application, the Examiner is respectfully requested to contact the undersigned to arrange an interview.

Respectfully submitted,

Henze et al.

By 

Randolph J. Huis
Registration No. 34,626
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

RJH/DPD/vs